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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/885,186	06/20/2001	Kimmo Kinnunen	413-010355-US(PAR)	4625

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EXAMINER

FOX, BRYAN J

ART UNIT PAPER NUMBER

2617

DATE MAILED: 11/16/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/885,186

Applicant(s)

KINNUNEN ET AL.

Examiner

Bryan J. Fox

Art Unit

2617

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 3-11, 13 and 15-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 3-11, 13 and 15-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims 3-6, 15, 17 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior et al (EP000913977A2) in view of Yang (US006658274B1).

Regarding **claim 20**, Prior, et al discloses a radiotelephone handset with a keypad 7, which reads on the claimed "keypad", a display 3, which reads on the claimed "display", a microphone 6, which reads on the claimed "microphone" and an earpiece 5, which reads on the claimed "speaker" all located on the front of the shell and together read on the claimed "first functional elements placed on a front surface of the shell" (see figure 1). An on/off button 4 is located on the upper end of the shell and more keys are located on the side of the phone as can be seen in figure 2, which read on the claimed "second functional elements placed on an upper or side surfaces of the shell, wherein said second functional elements comprise various function keys". In figure 3, it can be seen that keys 25 and 26 are located on the rear of the phone, which read on the claimed "third functional elements placed on a rear surface of the shell of the shell".

Prior, et al further discloses in column 5, lines 34-35 and in figure six an alternative user

interface on the rear of the handset, which reads on the claimed "wherein said first and second functional elements cooperate to provide a first user interface for normal use of the radio telephone, and said third and second function elements cooperate to provide a second user interface for use when said first functional elements are obstructed, and wherein said first user and said second user interface operate independently," wherein the functions on the back may be used without any use of the functions in the front of the phone and therefore are independent. Prior et al fails to disclose a speaker and a microphone on the back of the telephone.

In a similar field of endeavor, Yang discloses a microphone provided on the front and in the rear, as well as a speaker provided in the front and in the rear (see column 6, lines 25-31 and figure 4).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify Prior et al with Yang to include the above microphone and speaker on the front and on the rear in order to allow 2-way operation as suggested by Yang (see column 4, lines 16-24).

Regarding **claim 3**, the combination of Prior et al and Yang discloses in Prior column 1, lines 7-10 that important user interface considerations include the ease of which the phone can be transported (see Prior et al column 1, lines 7-10) and that the input means on the rear face of the handset, which reads on the claimed "third functional elements", promotes single handed operation (see Prior et al column 1, lines 30-31). It is clear that the phone is intended to be used while being carried in one hand, which reads on the claimed "carrying means".

Regarding **claim 4**, the combination of Prior et al and Yang discloses that a group may be selected by soft key 81 (see Prior et al column 7, lines 30-31), which reads on the claimed "group selector switch" and the soft key 81 is located on the rear of the phone (see Prior et al figure 8a), which reads on the claimed "third functional elements".

Regarding **claim 5**, the combination of Prior et al and Yang discloses an interface with actuable rolling means 111 which control the menu options on the display (see Prior et al figure 11 and column 9, lines 37-38), which reads on the claimed "rotary switch for selecting a group by turning the selector switch".

Regarding **claim 6**, the combination of Prior et al and Yang discloses that the soft key 81 can be depressed and as described above can be used to select a group (see Prior et al column 8, line 48), which reads on the claimed "pushbutton switch for selecting a group by pushing the selector switch".

Regarding **claim 15**, the combination of Prior et al and Yang discloses that the key 26 (see Prior et al figure 3) may have a dedicated function, such as a voice recognition function, which enables the user to store and retrieve data from the handset's memory (see Prior et al column 4, lines 54-57), which reads on the claimed "speech recognition button to use functions in the phone that can be controlled by the user's voice commands".

Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior, et al in view of Yang as applied to claim 6 above, and further in view of Davidson, et al (US005841855A).

Regarding **claim 7**, the combination of Prior et al and Yang fails to disclose a key to select a previous group.

In a similar field of endeavor, Davidson, et al discloses a terminal with a back key 221 (see figure 3) and in column 4, lines 7-8 describes that its function is to allow a user to back up menu screen by menu screen, which reads on the claimed "pushing of the said group selector switch is arranged so as to select the previous selected group".

It would be obvious to one skilled in the art at the time of the invention to modify the combination of Prior et al and Yang to include the back button in Davidson, et al in order to create a more user-friendly and intuitive interface.

Claims 8-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over the Prior, et al in view of Yang as applied to claim 4 above, and further in view of Bannister, et al (2012199).

Regarding **claim 8**, the combination of Prior et al and Yang fails to disclose a voice response function arranged in conjunction with the group selector switch to convey information to the user by means of a recorded voice message.

In a similar field of endeavor, Bannister, et al discloses an audible voice signal which may be included in the presenting means on page 10, lines 20-21, which reads

on the claimed "voice response function arranged in conjunction with the group selector switch to convey information to the user by means of a recorded voice message".

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Prior et al and Yang with Bannister, et al to include the above audible voice signal included in the presenting means in order to allow user operation without referring to the display panel as suggested by Bannister, et al (see page 10, lines 18-24).

Regarding **claim 9**, the combination of Prior et al and Yang fails to disclose that a group name or index is given in the said recorded voice message.

In a similar field of endeavor, Bannister, et al discloses on page 10, line 1 that selection of a soft key in one menu can cause another menu to be displayed. Each menu is a group and the soft key that selects the menu is a group selector switch. Bannister, et al further discloses on lines 24-26 that the message is relayed as each soft key is highlighted, which reads on the claimed "group name or index is given in the said recorded voice message".

It would be obvious to one skilled in the art at the time of the invention to modify the combination Prior et al and Yang with Bannister, et al to include the above message function in order to in prevent the need for a user to divert his attention to a display when in a situation such as driving a car.

Regarding **claim 10**, the combination of Prior et al and Yang fails to expressly disclose a delay between the voice message and the transition to the group.

In a similar field of endeavor, Bannister, et al discloses that the function of the softkey is read off as it is highlighted, after which it may be selected and the new menu is displayed (see Bannister et al page 10, lines 24-26). Therefore, there must be a delay between the message and the transition to the group as claimed.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Prior et al and Yang with Bannister to include the above transition delay in order to allow a user to best take advantage of the function of a softkey with announcements.

Regarding **claim 11**, the combination of Prior et al and Yang fails to expressly disclose a recorded voice message that gives confirmation of the selection of a group.

In a similar field of endeavor, Bannister, et al discloses that as each soft key is highlighted it can be read to the user by a voice synthesizer (see Bannister et al page 10, lines 24-26), so as each group, represented by a soft key, is selected, or highlighted, the voice synthesizer reads the name to confirm selection, as claimed.

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Prior et al and Yang with Bannister, et al to include the above voice synthesized read-off of a selected soft key in order to allow user operation without referring to the display panel as suggested by Bannister, et al (see page 10, lines 18-24).

Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior, et al in view of Yang as applied to claim 1 above, and further in view of Gordon (US005884156A).

Regarding **claim 13**, the combination of Prior et al and Yang fails to disclose that the phone could function as a direct channel radio.

In a similar field of endeavor, Gordon discloses in column 1, lines 7-8 that his device could provide communications in a telephony mode, which reads on the claimed "systems radio", and in a radio dispatch mode, which reads on the claimed "direct channel radio".

It would be obvious to one skilled in the art at the time of the invention to modify the combination of Prior et al and Yang to include the above radio dispatch mode disclosed by Gordon in order to eliminate the need for two separate devices and reuse some of the common circuitry.

Claim 16 is rejected under 35 U.S.C. 103(a) as being unpatentable over Prior, et al in view of Yang as applied to claim 1 above, and further in view of Fishman (US005655017A).

Regarding **claim 16**, the combination of Prior et al and Yang fails to disclose a selection switch to choose the speaker.

In a similar field of endeavor, Fishman discloses a phone with a normal speaker 20 and an additional speaker 26 in the rear (see figure 1) and that a separate switch can be provided to turn the speakerphone on and off (see column 3, lines 49-51), which

reads on the claimed "selection switch for setting the incoming voice messages to be reproduced by the speaker or the rear speaker".

It would be obvious to one skilled in the art at the time of the invention to modify the combination of Prior et al and Yang with Fishman to include a switch to choose which speaker is used in order to allow a user to customize the unit to function according to his preferences.

Regarding **claim 17**, the combination of Prior et al and Yang fails to disclose an automatic function for changing the speaker when the phone is in a carrying means and when the phone is not in the carrying means.

In a similar field of endeavor, Vandiver discloses a switch that automatically switches the interface when in a cradle versus when out of the cradle (see column 2, lines 31-62).

It would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Prior et al and Yang with Vandiver to include the above use of an automatic switch to switch between modes in order to improve the convenience of the phone as suggested by Vandiver (see column 3, lines 9-15).

Claims 18 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Prior et al in view of Yang as applied to claim 20 above, and further in view of what is old and well known in the art.

Regarding **claim 18**, the combination of Prior et al and Yang fails to expressly disclose that the phone may be used by a governmental authority.

The examiner takes official notice that phones used by governmental authorities were well known at the time of the invention and it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Prior et al and Yang such that governmental authorities may use the phone.

Regarding **claim 19**, the combination of Prior al and Yang fails to expressly disclose that the phone may be used by civilians.

The examiner takes official notice that phones used by governmental authorities were well known at the time of the invention and it would have been obvious to a person of ordinary skill in the art at the time of the invention to modify the combination of Prior et al and Yang such that civilians may use the phone.

Response to Arguments

Applicant's arguments with respect to claims 3-11, 13 and 15-20 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Bryan J. Fox whose telephone number is (571) 272-7908. The examiner can normally be reached on Monday through Friday 9-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2617

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Bryan Fox
November 13, 2006


CHARLES APPIAH
PRIMARY EXAMINER